

REMARKS

Claims 1-14, and 16-20 are pending in the present application with claims 1 and 20 being independent. Claims 1 and 2 have been amended. Reconsideration in view of the following remarks is kindly requested.

CLAIM REJECTIONS UNDER 35 USC § 102

Claims 1-10, 12-14, and 16-20 stand rejected under 35 USC §102(e) as allegedly being anticipated by Bolourchi et al. (Pub. No. US 2002/0170013, hereinafter “Bolourchi”). Applicants respectfully disagree and traverse these rejections.

Applicants respectfully submit that Bolourchi fails to teach or suggest a method for transmitting a plurality of control and signaling information between a base station and one or more mobile stations in a wireless communication network by, among other things, modifying fields of an existing control channel, where the control and signaling information include one or more identifiers, and where one or more of the identifiers includes a message type, as recited in amended claim 1 and 20.

Referring to paragraphs 0052-0059, of Bolourchi, Bolourchi appears to, at best, disclose multiple level messages but fails to disclose one or more identifiers, where one or more of the identifiers includes a message type. The term “message type” as used in the claims is described in the specification on page 3 line 28 to page 4 line 8 and includes, for example, a broadcast, multicast, etc.

Because Bolourchi fails to disclose each and every feature of the claimed inventions, Bolourchi cannot provide a basis for a rejection under 35 USC §102. Reconsideration, withdrawal of the rejections and allowance of claims 1-10, 12-14 and 16-20 is respectfully requested.

CLAIM REJECTION UNDER 35 USC § 103

Claim 11 stands rejected under 35 USC §103 as being unpatentable over Bolourchi in view of Willenegger (Pub. No. US 2002/0110181) (“Willenegger”). Applicants respectfully disagree and traverse this rejection.

Applicants respectfully submit that Bolourchi, singly or in combination with Willenegger, fails to disclose an identifier that indicates the available Walsh space for transmission of data between a base station and one or more mobile stations, as recited in claim 11.

As the Office Action indicates, Bolourchi does not teach or suggest an identifier indicating the available Walsh space for transmission of data between a base station and one or more mobile stations, as recited in claim 11. To make up for this deficiency, the Examiner relies on Willenegger.

Initially, Applicants respectfully submit that claim 11 is dependent on claim 1 and is therefore patentable over Bolourchi, taken separately or in combination with Willenegger, for at least the reasons discussed above.

In addition, Applicants submit that Willenegger appears to only disclose a Walsh function over a shared channel, not how to determine the available Walsh space for the transmission of data between a base station and one or more mobile stations, as recited in claim 11. Accordingly, Applicants respectfully submit that claim 11 would not be obvious to one of ordinary skill in the art upon reading the disclosures of Bolourchi and Willenegger. Applicants respectfully request withdrawal of the pending rejection and allowance of claim 11.

Entry of Request for Reconsideration After Final Rejection

Entry of the Request for Reconsideration (“Request”) is solicited because the Request:

(a) places the application in condition for allowance for the reasons discussed herein; (b) does not raise any new issues regarding further search and/or considerations (i.e., the amendments are based on placing features from dependent claim 2 into independent claim 1); (c) does not present any additional claims without canceling the corresponding number of finally rejected claims; and (d) places the application in better form for appeal, if an appeal is necessary. Entry of the Request is thus respectfully requested.

CONCLUSION

Accordingly, in view of the above amendments and remarks, reconsideration of the objections and rejections and allowance of each of claims 1-14 and 16-20 in connection with the present application is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John E. Curtin at the telephone number of the undersigned below.

In the event this Response does not place the present application in condition for allowance, applicant requests the Examiner to contact the undersigned at (703) 668-8000 to schedule a personal interview.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By

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